

ESTTA Tracking number: **ESTTA657255**Filing date: **02/20/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Kittrich Corporation		
Entity	Corporation	Citizenship	California
Address	1585 West Mission Blvd. Pomona, CA 91766 UNITED STATES		

Correspondence information	Mark A. Calkins Vice President Kittrich Corporation 1585 West Mission Blvd. Pomona, CA 91766 UNITED STATES markc@kittrich.com Phone:(714) 736-1044
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Registration Subject to Cancellation

Registration No	3839927	Registration date	08/31/2010
Registrant	Masterpiece Solutions Inc. PO Box 25192 Fort Lauderdale, FL 33320 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2006/04/01 First Use In Commerce: 2006/04/01
All goods and services in the class are cancelled, namely: Foot powder; Personal deodorants

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation_US_Reg_No_3839927.pdf(114671 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	//Mark A. Calkins//
Name	Mark A. Calkins
Date	02/20/2015

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2 **TRADEMARK TRIAL AND APPEAL BOARD**

3 Registration No. 3,839,927
4 Registration Date: August 31, 2010
5 Trademark: SWEET FEET

6 **KITTRICH CORPORATION**

7 **Petitioner,**

8 **vs.**

9 **MASTERPIECE SOLUTIONS INC.**

10 **Respondent.**

PETITION FOR CANCELLATION

11
12 **UNITED STATES PATENT AND TRADEMARK OFFICE**
13 Trademark Trial and Appeal Board
14 P.O. Box 1451
15 Alexandria, Virginia 22313-1451

16 Sir:

17 Kittrich Corporation, ("Petitioner"), a California corporation, located and doing business
18 at 1585 West Mission Blvd., Pomona, CA 91766, believes that it will be damaged by U.S.
19 Trademark Reg. No. 3,839,927 for the mark SWEET FEET and hereby petitions to cancel the
20 registration under Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3).

21 As grounds for this Petition, Petitioner alleges that:

22 1. Petitioner is the owner of pending U.S. Trademark App. Ser. No. 86/537,712 for
23 the mark SWEET FEET covering "non-medicated foot powder; non-medicated foot scrub; foot
24 balms; foot creams; personal deodorants; antiperspirants; body sprays; massage creams; massage
25 oils; bath salts; bubble baths; bath oils; nail care preparations, namely, nail color, nail polish, nail
26 polish removers; [and] cuticle coatings" in Class 3, and "shoe deodorizer" in Class 5. Petitioner
27 has a bona fide intention to use the applied-for mark in commerce on or in connection with the
28 identified goods recited in U.S. Trademark App. Ser. No. 86/537,712, which was filed on

1 February 17, 2015, in accordance with 15 U.S.C. Section 1051(b).

2 2. Respondent Masterpiece Solutions Inc. ("Respondent"), upon information and
3 belief, was formerly a New York corporation having its principal place of business at 9801
4 Sunrise Lakes Blvd. Building 151, Suite 208, Sunrise, Florida 33322. Respondent is the owner of
5 record for U.S. Trademark Reg. No. 3,839,927 for the mark SWEET FEET covering "foot
6 powder; [and] personal deodorants."

7 3. Petitioner believes that the United States Patent and Trademark Office examining
8 attorney will cite Reg. No. 3,839,927 as a basis for refusing to register Petitioner's SWEET FEET
9 trademark pursuant to Trademark Act Section 2(d), 15 U.S.C. §1052. Petitioner further believes
10 that Reg. No. 3,839,927 could be asserted against Petitioner's intended lawful use of its SWEET
11 FEET trademark in commerce.

12 4. Upon information and belief, Respondent has not continuously used the SWEET
13 FEET trademark that is the subject of Reg. No. 3,839,927 and has abandoned the mark pursuant
14 to Section 45, 15 U.S.C. § 1127. Respondent, Masterpiece Solutions, Inc., formerly a New York
15 Domestic Business Corporation, was dissolved by proclamation on April 27, 2011.

16 5. For the reasons set forth above, Petitioner believes that it is or will be damaged by
17 the continued registration of the mark that is the subject of Reg. No. 3,839,927. Therefore, the
18 subject registration should be cancelled.

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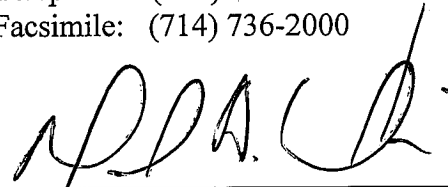
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1 WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and that
2 Reg. No. 3,839,927 be cancelled pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. §
3 1064(3).

4 DATE: February 20, 2015

5 Respectfully submitted,

6
7 MARK A. CALKINS
KITTRICH CORPORATION
1585 West Mission Blvd.
8 Pomona, CA 91766
9 Telephone: (714) 736-1044
10 Facsimile: (714) 736-2000

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12 MARK A. CALKINS
13 Vice President
14 Kittrich Corporation
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITION FOR CANCELLATION** on the party in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Respondent as follows:

Masterpiece Solutions, Inc.
Attn: Clark A. Marcus
3405 W. Dr. MLK Jr. Blvd. STE 101
Tampa, Florida, 33607-6212
United States

Dated: February 21, 2015

By: 

Mark A. Calkins